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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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05/23/2006

Josi Rosenfeld

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

HSIEH, PING Y

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/580,497</p>	<p><b>Applicant(s)</b> ROSENFELD, JOSI</p>	
	<p><b>Examiner</b> PING Y. HSIEH</p>	<p><b>Art Unit</b> 2618</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 29 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 2-6, 14, 17, 20-24, 26 and 27.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Lana N. Le/  
Primary Examiner, Art Unit 2614

Continuation of 11. does NOT place the application in condition for allowance because:

a. In pages 8 and 9 of the remarks, regarding claim 2, applicant argues that Goren does not disclose applying a test to prior to processing the received signals determine whether a signal level is above a threshold value. Additionally, Goren does not disclose selecting either a correlation processing operation or a leading edge processing operation based on the determination of whether the signal level of the received signals is above a threshold value.

-The examiner respectfully disagrees. Goren indeed discloses applying a test to prior to processing the received signals determine whether a signal level is above a threshold value (determining if the correlation function quality is sufficient in step 1575, fig. 15; and further determining if the peak 1502 is able to be distinguished from peak 1504 or overlap or merge with multipath peak 1504 as disclosed in fig. 15A and col. 22 lines 43-59); and selecting either a correlation processing operation or a leading edge processing operation based on the determination of whether the signal level of the received signals is above a threshold value (use channel estimation operation 1590 if the peak 1502 can be distinguished from peak 1504 as disclosed in fig. 15A and col. 22 lines 49-56; or in some cases, use leading edge operation 1585 if the peak 1502 is overlap or merge with multipath peak 1504 as disclosed in fig. 15A and col. 22 lines 56-59).

b. In page 9 of the remarks, regarding claim 3, applicant argues that Goren does not disclose determining whether the signal level of the received signals is above a threshold value for the reasons state above. Additionally, Goren does not disclose selecting the correlation processing operation if the signal level of the received signal is below a threshold value.

-The examiner respectfully disagrees. Goren indeed discloses determining whether the signal level of the received signals is above a threshold value for the reasons state above. Additionally, Goren further discloses selecting the correlation processing operation if the signal level of the received signal is below a threshold value (use channel estimation operation 1590 if the peak 1502 can be distinguished from peak 1504 as disclosed in fig. 15A and col. 22 lines 49-56).

c. In page 9 of the remarks, regarding claim 4, applicant argues that neither Goren nor Diener disclose or fairly suggest determining whether the signal level of the received signal is above a threshold value or testing whether a leading edge gradient is above a gradient threshold value when the received signal level is above a threshold value.

-The examiner respectfully disagrees. Goren and Diener indeed discloses determining whether the signal level of the received signal is above a threshold value (Goren, determining if the peak 1502 is able to be distinguished from peak 1504 or overlap or merge with multipath peak 1504 as disclosed in fig. 15A and col. 22 lines 43-59) or testing whether a leading edge gradient is above a gradient threshold value when the received signal level is above a threshold value (Diener, a signal detector 520 and a pulse detector coupled to the peak detector that detects from the peak information pulses that meet the configured criteria as disclosed in col. 8 lines 41 - 46).

d. In page 10 of the remarks, regarding claim 5, applicant argues that Goren does not disclose applying a test to prior to processing the received signals determine whether a signal level is above a threshold value and selecting a correlation processing operation if the signal level of the received signal is below a threshold value. Additionally, Goren does not disclose another test to determine whether a leading edge gradient is below a gradient threshold value and in response to the leading edge gradient being below a gradient threshold selecting a leading edge processing operation. Diener referenced by the examiner fails to cure these shortcomings.

-The examiner respectfully disagrees. The combination indeed discloses applying a test to prior to processing the received signals determine whether a signal level is above a threshold value (Goren, determining if the correlation function quality is sufficient in step 1575, fig. 15; and further determining if the peak 1502 is able to be distinguished from peak 1504 or overlap or merge with multipath peak 1504 as disclosed in fig. 15A and col. 22 lines 43-59); and selecting a correlation processing operation if the signal level of the received signal is below a threshold value (Goren, use channel estimation operation 1590 if the peak 1502 can be distinguished from peak 1504 as disclosed in fig. 15A and col. 22 lines 49-56). The combination further discloses another test to determine whether a leading edge gradient is below a gradient threshold value and in response to the leading edge gradient being below a gradient threshold selecting a leading edge processing operation (Goren, use leading edge operation 1585 if the peak 1502 is overlap or merge with multipath peak 1504 as disclosed in fig. 15A and col. 22 lines 56-59; and leading edge gradient/gradient threshold as disclosed by Diener et al. in col. 8 lines 41 - 46).

e. In page 10 of the remarks, regarding claim 6, applicant argues that neither Goren nor Diener disclose testing whether a leading edge gradient is above a gradient threshold value when the received signal level is above a threshold value. Additionally, neither Goren nor Diener disclose selecting a correlation processing operation when the leading edge gradient is above a gradient threshold value.

-The examiner respectfully disagrees. The combination indeed discloses if the leading edge gradient is above the gradient threshold value, the correlation processing operation is selected (Diener et al., knowing the type of the signal to be located after detecting from the peak information pulses that meet the configured criteria, can be useful in deciding on what type of signaling process to use in order to obtain TDOA measurements to locate the source of the signal as disclosed in col. 8 lines 41 - 55; and Goren et al., correlation function quality sufficient step 1575 as disclosed in Fig. 15).

f. In pages 10-12 of the remarks, regarding claim 14, applicant argues that Goren does not disclose applying at least one test on the received signals prior to processing the signals to select a processing operation on the signals, the operation being one of the following: a correlation processing operation, and a leading edge processing operation. Goren does not disclose applying a test to determine a signal to noise ratio of the received signal in order to select either a correlation processing operation or a leading edge processing

operation. Additionally, applicant respectfully traverses the attempted use of Official Notice as improper.

-The examiner respectfully disagrees. Goren indeed discloses applying at least one test on the received signals prior to processing the signals to select a processing operation on the signals (determining if the correlation function quality is sufficient in step 1575, fig. 15; and further determining if the peak 1502 is able to be distinguished from peak 1504 or overlap or merge with multipath peak 1504 as disclosed in fig. 15A and col. 22 lines 43-59), and the operation being one of the following: a correlation processing operation, and a leading edge processing operation (use channel estimation operation 1590 if the peak 1502 can be distinguished from peak 1504 as disclosed in fig. 15A and col. 22 lines 49-56; or in some cases, use leading edge operation 1585 if the peak 1502 is overlap or merge with multipath peak 1504 as disclosed in fig. 15A and col. 22 lines 56-59). Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., applying a test to determine a signal to noise ratio of the received signal in order to select either a correlation processing operation or a leading edge processing operation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Finally, measuring a gradient using the a well known formula is not a necessary element of the claimed invention and therefore, the Official Notice is not improper.

g. In page 12 of the remarks, regarding claim 17, applicant argues that Goren does not disclose testing the noise degradation and multi-path degradation of the received signal and in response to this test selecting a processing operation.

-The examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., testing the noise degradation and multi-path degradation of the received signal) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

h. In pages 12 and 13 of the remarks, regarding claim 20, applicant argues that Goren does not disclose testing the noise degradation and multi-path degradation of the received signal and in response to this test selecting a processing operation.

-The examiner respectfully disagrees. Goren indeed discloses testing the noise degradation and multi-path degradation of the received signal (determining if the correlation function quality is sufficient in step 1575, fig. 15; and further determining if the peak 1502 is able to be distinguished from peak 1504 or overlap or merge with multipath peak 1504 as disclosed in fig. 15A and col. 22 lines 43-59) and in response to this test selecting a processing operation (use channel estimation operation 1590 if the peak 1502 can be distinguished from peak 1504 as disclosed in fig. 15A and col. 22 lines 49-56; or in some cases, use leading edge operation 1585 if the peak 1502 is overlap or merge with multipath peak 1504 as disclosed in fig. 15A and col. 22 lines 56-59).

i. In page 13 of the remarks, regarding claim 21, applicant argues that Goren does not disclose applying a test to prior to processing the received signals determine whether a signal level is above a threshold value.

-The examiner respectfully disagrees. Goren indeed discloses applying a test to prior to processing the received signals determine whether a signal level is above a threshold value (determining if the correlation function quality is sufficient in step 1575, fig. 15; and further determining if the peak 1502 is able to be distinguished from peak 1504 or overlap or merge with multipath peak 1504 as disclosed in fig. 15A and col. 22 lines 43-59); and selecting either a correlation processing operation or a leading edge processing operation based on the determination of whether the signal level of the received signals is above a threshold value (use channel estimation operation 1590 if the peak 1502 can be distinguished from peak 1504 as disclosed in fig. 15A and col. 22 lines 49-56; or in some cases, use leading edge operation 1585 if the peak 1502 is overlap or merge with multipath peak 1504 as disclosed in fig. 15A and col. 22 lines 56-59).

j. In page 13 of the remarks, regarding claim 22, applicant argues that Goren does not disclose determining whether the signal level of the received signals is above a threshold value for the reasons state above. Additionally, Goren does not disclose selecting the correlation processing operation if the signal level of the received signal is below a threshold value.

-The examiner respectfully disagrees. Goren indeed discloses determining whether the signal level of the received signals is above a threshold value for the reasons state above. Goren further discloses selecting the correlation processing operation if the signal level of the received signal is below a threshold value (use channel estimation operation 1590 if the peak 1502 can be distinguished from peak 1504 as disclosed in fig. 15A and col. 22 lines 49-56).

k. In page 13 of the remarks, regarding claim 23, applicant argues that neither Goren nor Diener disclose determining whether the signal level of the received signal is above a threshold value or testing whether a leading edge gradient is above a gradient threshold value when the received signal level is above a threshold value.

-The examiner respectfully disagrees. Goren and Diener indeed discloses determining whether the signal level of the received signal is above a threshold value (Goren, determining if the peak 1502 is able to be distinguished from peak 1504 or overlap or merge with multipath peak 1504 as disclosed in fig. 15A and col. 22 lines 43-59) or testing whether a leading edge gradient is above a gradient threshold value when the received signal level is above a threshold value (Diener, a signal detector 520 and a pulse detector coupled to the peak detector that detects from the peak information pulses that meet the configured criteria as disclosed in col. 8 lines 41 - 46).

l. In page 13 of the remarks, regarding claim 24, applicant argues that neither Goren nor Diener disclose testing whether the signal is above a threshold value and another test to whether a leading edge gradient is below a gradient threshold value and in response to the leading edge gradient being below a gradient threshold selecting a leading edge processing operation.

-The examiner respectfully disagrees. The combination indeed discloses applying a test to prior to processing the received signals

determine whether a signal level is above a threshold value (Goren, determining if the correlation function quality is sufficient in step 1575, fig. 15; and further determining if the peak 1502 is able to be distinguished from peak 1504 or overlap or merge with multipath peak 1504 as disclosed in fig. 15A and col. 22 lines 43-59); and selecting a correlation processing operation if the signal level of the received signal is below a threshold value (Goren, use channel estimation operation 1590 if the peak 1502 can be distinguished from peak 1504 as disclosed in fig. 15A and col. 22 lines 49-56). The combination further discloses another test to determine whether a leading edge gradient is below a gradient threshold value and in response to the leading edge gradient being below a gradient threshold selecting a leading edge processing operation (Goren, use leading edge operation 1585 if the peak 1502 is overlap or merge with multipath peak 1504 as disclosed in fig. 15A and col. 22 lines 56-59; and leading edge gradient/gradient threshold as disclosed by Diener et al. in col. 8 lines 41 - 46).

m. In pages 13 and 14 of the remarks, regarding claim 27, applicant argues that there is no rejection and therefore is allowable. Moreover, Goren does not disclose applying a test to prior to processing the received signals determine whether a signal level is above a threshold value. Diener referenced by the examiner fails to cure these shortcomings. Additionally, neither Goren nor Diener disclose or fairly suggest selecting either a correlation processing operation or a leading edge processing operation based on the determination of whether the signal level of the received signals is above a threshold value.

-The examiner respectfully disagrees. Claim 27 is rejected in pages 12 and 13 of the Final Office Action mailed on 3/4/09. The combination of Goren and Diener indeed discloses applying a test to prior to processing the received signals determine whether a signal level is above a threshold value (Goren, determining if the correlation function quality is sufficient in step 1575, fig. 15; and further determining if the peak 1502 is able to be distinguished from peak 1504 or overlap or merge with multipath peak 1504 as disclosed in fig. 15A and col. 22 lines 43-59); and selecting a correlation processing operation if the signal level of the received signal is below a threshold value (Goren, use channel estimation operation 1590 if the peak 1502 can be distinguished from peak 1504 as disclosed in fig. 15A and col. 22 lines 49-56). The combination further discloses another test to determine whether a leading edge gradient is below a gradient threshold value and in response to the leading edge gradient being below a gradient threshold selecting a leading edge processing operation (Goren, use leading edge operation 1585 if the peak 1502 is overlap or merge with multipath peak 1504 as disclosed in fig. 15A and col. 22 lines 56-59; and leading edge gradient/gradient threshold as disclosed by Diener et al. in col. 8 lines 41 - 46).

Therefore, based on the logical response to the arguments provided above, the examiner respectfully renders claims 2-6, 14, 17, 20-24 and 27 unpatentable over the cited art. Applicant presents additional arguments which do not render the claims allowable after the prosecution on the merit is closed.